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**PATENT
APPLICATION 10/748,959
ATTORNEY DOCKET 2003-0009 (1014-053)**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) **Barzegar, Farhad**
Application **10/748,959**
Confirmation **7879**
Filed **30 December 2003**
Application Title **Electronic Loop Provisioning Methods and Systems**
Art Unit **2619**
Latest Examiner **Moutaouakil, Mounir**

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW OFFICE ACTION FINALITY

Applicant respectfully petitions the Commissioner to withdraw the finality of the Office Action dated 15 November 2007 due to that Office Action's failure to address the substance of Applicant's arguments traversing the rejection of claim 2.

MPEP 707.07 requires that an Office Action must be complete as to all matters, must provide a clear explanation of all actions taken, and must answer in detail the substance of each of the submitted arguments.

In response to an Office Action dated 15 June 2007, Applicant filed a proper Reply on 19 September 2007, which is incorporated herein by reference. In traversing a rejection of independent claim 2, Applicant presented the following argument that stands unopposed in the present Office Action:

[c]laim 2 states, *inter alia*, yet the applied portions of Hjartarson do not teach, "sampling the received analog signal into a plurality of samples". The present

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Office Action alleges that this claimed subject matter is inherently present in Hjartarson. To the extent that the present Office Action or future Office Actions rely upon inherency, Applicant respectfully requests provision of a reference demonstrating that the admittedly missing claimed subject matter is "necessarily present, not merely probably or possibly present, in the prior art."

The present Office Action fails to respond whatsoever to this previously presented and persuasive argument.

In addition, the Office Action dated 15 June 2007 purported, at Page 3, to only reject claims 1, 6, 19, and 20 under 35 U.S.C. 102(b). Yet, at pages 4 and 5 the Office Action dated 15 June 2007 appears to make additional rejections of each of claims 2-5, 7-10, and 15-18 under 35 U.S.C. 102(b). Applicant respectfully submits that this lack of clarity regarding at least the rejection of each of claims 2-5, 7-10, and 15-18 means that the rejections of the present Office Action of each of those claims represents a new grounds of rejection not necessitated by any claim amendment.

For at least this reason, Applicant respectfully submits that the finality of the 15 November 2007 Office Action is premature. Thus, Applicant respectfully requests that the finality of the 15 November 2007 Office Action be withdrawn.

Submitted herewith please find the Petition fee under 37 C.F.R. 1.17 (h), which Applicant respectfully requests be refunded.

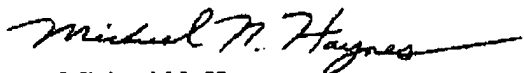
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CONCLUSION

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC



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Date: 21 January 2008

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